

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

EVESTER S. SUTTON,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

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Civil Action No. 3:08-CV-1117-L


ORDER

This is a social security case. Plaintiff Evester S. Sutton (“Plaintiff” or “Sutton”) filed this action seeking judicial review of a final decision of the Commissioner of Social Security (the “Commissioner”), who denied her application for disability benefits and supplemental security income payments under Title II and Title XVI of the Social Security Act. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, the case was referred to United States Magistrate Judge Jeff Kaplan, for review and submission of proposed findings of fact and recommendation for disposition. Plaintiff filed her Motion for Summary Judgment on April 3, 2009, and the Commissioner filed his Cross-Motion for Summary Judgment on June 17, 2009. On April 2, 2010, the magistrate judge filed his Findings and Recommendation (the “Report”), in which he recommended that the court affirm the Commissioner’s decision. No objections have been filed by either party.

After an independent review of the pleadings, file, record, applicable law, and the magistrate judge’s findings and conclusions, the court determines that the magistrate judge’s findings and

conclusions are correct. Accordingly, they are **accepted** as those of the court. The court therefore **denies** Plaintiff's Motion for Summary Judgment and **grants** the Commissioner's Cross-Motion for Summary Judgment. Accordingly, the court **affirms** the Commissioner's final decision.

It is so ordered this 23rd day of April, 2010.


Sam A. Lindsay
United States District Judge